

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

FEBRUARY 23, 2010

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 26)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 27)**
- 5. REGULAR AGENDA (Pages 28 - 31)**
TIME CERTAIN 11:30 A.M. (Executive Session – ATU Local 1577) (Closed Session) (Page 29)
- 6. BOARD APPOINTMENTS (Page 32)**
- 7. STAFF COMMENTS (Page 33)**
- 8. COMMISSIONER COMMENTS (Page 34)**
- 9. ADJOURNMENT (Page 34)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 Appointments to the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee
- 3A-2 Appointment to the Town of Jupiter Economic Development Advisory Board
- 3A-3 Partial Release of with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and FAU Board of Trustees regarding Scripps Temporary Facility No. 1

Page 7

- 3A-4 Establishment of a Palm Beach County Energy Efficiency Conservation Revolving Loan Program

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claim settlements list

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 County Deed conveying a section of Campus Drive to the City of Palm Beach Gardens
- 3C-2 Resolution declaring acquisition of Parcel 1 relative to Seminole Pratt Whitney Road widening/improvements
- 3C-3 Reaffirm Patio Court as part of the MSTU Street Improvement Program
- 3C-4 Joint Participation and Project Funding Agreement with City of West Palm Beach for utility adjustments on 45th Street
- 3C-5 Joint Participation and Project Funding Agreement with City of Riviera Beach Utility Special District for utility adjustments on 45th Street

Page 9

- 3C-6 Agreement with CSX Transportation, Inc. Railway and FDOT for synchronization of grade crossing on Okeechobee Blvd.
- 3C-7 Amendment No. 1 with Florida's Turnpike Enterprise regarding 45th Street bridge over Turnpike

D. COUNTY ATTORNEY

Page 9

- 3D-1 Letter of Acknowledgement by U.S. Bank regarding Law Enforcement Information Technology project bonds

E. COMMUNITY SERVICES

Page 10

- 3E-1 Head Start Contracted Services Expansion Agreement with Union Missionary Baptist Church for services to Head Start children and families
- 3E-2 Head Start Contracted Services Expansion Agreement with Family Central for services to Head Start children and families
- 3E-3 Ratify signature on Early Head Start Expansion Grant revised budget documents to U.S. Department of Health & Human Services
- 3E-4 Memorandum of Understanding with Children's Services Council and Health Department for health services to Early Head Start children and families

Page 11

- 3E-5 Contract for Consulting/Professional Services with Caregivers Services for health services to Early Head Start children
- 3E-6 Amendment No. 2 with Adoption by Shepherd Care regarding "Choose Life" license plate funds

F. AIRPORTS

Page 11

- 3F-1 Agreement to purchase one (1) property located west of Runway 9L at PBIA

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- Page 12
3G-1 Appoint Ruden McClosky Smith Schuster & Russell, P.A. for bond counsel services related to the County's Convention Center

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 12
3H-1 Amendment No. 5 to annual pavilions contract with S & F Construction, Inc.
- Page 13
3H-2 Amendment No. 2 with Saltz Michelson Architects for annual architectural services
3H-3 Amendment No. 2 with MPA Architects, Inc. for annual architectural services
3H-4 Amendment No. 2 with Colome & Associates, Inc. for annual architectural services
3H-5 Change Order No. 98 with The Weitz Company regarding South County Courthouse project
- Page 14
3H-6 Change Order No. 1 with Catalfumo Construction, Ltd. regarding SFRTA parking lot at Intermodal Facility
3H-7 First Amendment with FHP regarding County's 800 MHz radio system
3H-8 Sixth Amendment to Lease Agreement with SFWMD and Roth Farms, Inc. to continue to farm land at 20-Mile Bend
- Page 15
3H-9 County Deed in favor of La Boca Casa Condominium Association conveying 1 week timeshare interest
3H-10 Utility Easement Agreement in favor of FPL regarding South Lake Worth Inlet Sand Transfer Plant electrical services
3H-11 Agreement of Lease with School Board for continued use of land/building at 1200 45th Street
- Page 16
3H-12 Tri-Party Agreement with City of Boynton Beach and School Board regarding Galaxy Elementary School property

I. HOUSING & COMMUNITY DEVELOPMENT

- Page 17
3I-1 Request for Release of Funds and Certification under the HOME Investment Partnership Program
3I-2 Amendment No. 2 with NOAH Development Corp. regarding Covenant Villas and South Bay Villas hurricane hardening improvements
3I-3 Agreement with City of Greenacres regarding Fleming Avenue street improvements
3I-4 Agreement with Town of Lake Park for West Ilex Park improvements
- Page 18
3I-5 Loan Agreement with Auburn Development regarding affordable rental housing project
3I-6 Amendment No. 1 with Seagull Industries for the Disabled to change reimbursement rate regarding training to mentally disabled persons
3I-7 Reimbursement to the City of Greenacres regarding Ira Van Bullock Park improvements
- Page 19
3I-8 Elimination of cap on state and local Housing Trust Funds
3I-9 Reimbursement to City of Lake Worth regarding Howard Park improvements

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

- Page 19
3K-1 Release of Utility Easement on land owned by Palm Beach County Department of Airports
3K-2 Supplement No. 2 with Southeast Drilling Services regarding Southern Region Pumping Facility monitor well

L. ENVIRONMENTAL RESOURCES MANAGEMENT - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION

Page 20

- 3M-1 Agreement with Caridad Center for afterschool programs
- 3M-2 RAP Agreement with Martin Luther King, Jr. Coordinating Committee of West Palm Beach for leadership skills workshops
- 3M-3 Florida Department of Environmental Protection Recreational Trails Program Project Agreement for Riverbend Park

Page 21

- 3M-4 Fifth Amendment to Request for Funding Form with School Board RAP for fitness trail equipment at Golden Grove Elementary School
- 3M-5 First Amendment with City of Boynton Beach for 2009 Boynton Beach Heritage Celebration
- 3M-6 Independent Contractor Agreement with Gordon Andrews, USA Competitive Swim Coach

Page 22

- 3M-7 Special Use Agreement with Village of Royal Palm Beach for annual use of recreational facilities at Seminole Palms Park
- 3M-8 First Amendment to FBIP Project Agreement with Town of Jupiter regarding Sawfish Bay Park

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 22

- 3Q-1 Interlocal Agreement with University of South Florida for technical services to the Palm Beach County Justice, Mental Health Collaboration Program

Page 23

- 3Q-2 Contract with Comprehensive Alcoholism Rehabilitation Program for job development services to halfway house clients
- 3Q-3 Edward Byrne Memorial Justice Assistant Grant from FDLE for Ex-Offender Re-Entry Program

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 24

- 3U-1 Agreement with The Raymond F. Kravis Center regarding the Wide Area Network
- 3U-2 Interlocal Agreement with Health Care District regarding the County Regional Network
- 3U-3 Interlocal Agreement with Children's Services Council regarding the County Regional Network

Page 25

- 3U-4 Change Order No. 1 amending Software License and Professional Services Agreement with Government of the U.S. Virgin Islands to provide email account hosting services

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 25

- 3X-1 Interlocal Agreement with City of Lake Worth for Lake Worth Water Treatment Plant security system
- 3X-2 Grant Contract with Florida Department of Community Affairs for emergency management grant funds

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

AA. PALM TRAN

Page 26

3AA-1 FDOT Five-Year Joint Participation Agreement for mass transit operating funds

BB. SHERIFF

Page 26

3BB-1 Grant Adjustment Notice amending the U.S. Department of Justice Office of Justice Programs grant for the Gramercy Village Weed and Seed

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 27

4A Presentation by U.S. Department of Housing & Urban Development of \$50M Neighborhood Stabilization Program 2 Grant

REGULAR AGENDA

ADMINISTRATION

Page 28

- 5A-1 Draft FY 2011 Federal Legislative Program
- 5A-2 Policy for implementation of Inspector General Fee
- 5A-3 Creation of the Palm Beach County Property Review Committee

Page 29

- 5A-4 Memorandum of Developer Agreement with Seacoast Utility Authority/Scripps Florida Phase II/Briger Development Agreement with Seacoast Utility Authority
- 5A-5 Executive Session with Amalgamated Transit Union – **TIME CERTAIN 11:30 AM.** (Closed Session)

PLANNING, ZONING & BUILDING

Page 30

- 5B-1 Interlocal Agreement with Town of Jupiter for annexation of five (5) enclaves
- 5B-2 Resolution authorizing Palm Beach County to commence negotiation process for Interlocal service boundary agreement with City of Boynton Beach

WATER UTILITIES

Page 31

- 5C-1 Interruptible Reclaimed Water Service Schedule of Rates

BOARD APPOINTMENTS (Page 32)

STAFF COMMENTS (Page 33)

COMMISSIONER COMMENTS (Page 34)

ADJOURNMENT (Page 34)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the appointment of the following five (5) representatives to the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy (CEDS) Committee for the calendar year ending December 31, 2010:

Sherry Howard, Director, the Economic Development Office, Palm Beach County
Paul Skyers, Executive Director, Palm Beach County Resource Center, Inc.
Kelly Smallridge, President, Business Development Board of Palm Beach County, Inc.
Seabron A. Smith, Executive Director, TED Center Business Incubator
W. Richard Staudinger, P.E., Florida Engineering Society

SUMMARY: The Treasure Coast Regional Planning Council manages and maintains the on-going CEDS which describes the economic conditions of the region and identifies programs and projects that will be undertaken to improve the area's economy. The CEDS Plan is a requirement of the U.S. Department of Commerce Economic Development Administration. The CEDS Committee consists of five (5) appointees from each of the participating counties: Palm Beach, Martin, St. Lucie and Indian River. Every year the TCRPC will require the appointing authority to review its existing members and either appoint or reappoint members to the CEDS Committee. Countywide (DW)

2. **Staff recommends motion to approve:** appointment of the following nominee to the Town of Jupiter Economic Development Advisory Board:

Nominee for Appointment

Peter Applefield

Nominated By

Commissioner Marcus
Commissioner Koons
Commissioner Taylor

SUMMARY: The Town of Jupiter, under Resolution No. 102-07, established an Economic Development Advisory Board for the purpose of providing recommendations to the Town of Jupiter. These recommendations are related to the disbursement of funds from the \$3,000,000 Economic Development Fund, as required under their Interlocal Agreement with Palm Beach County, related to locating Scripps in North County. Under the Resolution, one (1) member must be a representative of Palm Beach County. District 1 (DW)

3. **Staff recommends motion to approve:**

A) a Partial Release of Lease 4452; and

B) a Partial Release of Sublease 4452-01 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) and Florida Atlantic University Board of Trustees (FAUBT).

SUMMARY: Palm Beach County entered into a Sublease Agreement with Florida Atlantic University and a Lease Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the Scripps Temporary Facility No. 1 (T1). Scripps has vacated T1, therefore the BOT and FAUBT have requested a release of the lease and sublease. FAU has fulfilled their repayment obligation under the Scripps Temporary Funding Agreement and complied with its obligations under the Funding Agreement, the Primary Lease and Sublease. District 1 (HJF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the establishment of a Palm Beach County Energy Efficiency Conservation Revolving Loan Program for business improvements funded by the U.S. Department of Energy; directing the Economic Development Office to administer the loan program; and delegating the County Administrator or his designee to approve, sign and close on behalf of the Board of County Commissioners all loan documents and agreements with approved borrowers that meet the criteria of the loan program; and

B) approve the criteria for the Palm Beach County Energy Efficiency and Conservation Revolving Loan Program for business improvements.

SUMMARY: On October 20, 2009, the Board of County Commissioners approved the U.S. Department of Energy's (DOE) Assistance Agreement (R2009-1743) for a formula-based grant totaling \$6,587,600 to implement eight (8) project activities under the Energy Efficiency and Conservation Block Grant (EECBG) Program which included a revolving loan fund for businesses totaling \$1,100,000. This Resolution will establish the Palm Beach County Energy Efficiency Conservation Revolving Loan Program totaling \$1,100,000 in EECBG funds to assist businesses in carrying out energy audits and retrofits to effectuate savings in utility costs, reduce fossil fuel consumption, improve energy efficiency, and create and/or retain job opportunities for local residents. The Economic Development Office will administer the Program and distribute loan funds to approved eligible businesses to complete the improvements identified through an energy audit. Businesses will be qualified based on sufficient cash-flow to repay program loan funds. For any given project, the loans will range between a minimum of \$15,000 and a maximum of \$150,000 and must be 50% or less of the total project cost. Loans will be fixed at 3% for a term and amortization of up to ten (10) years. According to the DOE, for every \$92,000 spent in EECBG funds, one (1) full-time equivalent job must be created and/or retained. The loan process will be expedited by the County Administrator or his designee in the approval of projects that meet the Program Criteria and do not require an exception to any of the criterion of the Energy Efficiency Conservation Revolving Loan Program. **These are federal funds that require no local match.** Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	February 24, 2009
Budget Workshop	June 8, 2009
Comprehensive Plan	July 15, 2009
Regular	July 21, 2009
Zoning	July 23, 2009
Regular	August 18, 2009
Regular	October 6, 2009
Regular	October 20, 2009

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a County Deed conveying a County-owned section of Campus Drive to the City of Palm Beach Gardens (City). **SUMMARY:** Approval of this item will allow the transfer of ownership of a section of Campus Drive lying between RCA Boulevard and PGA Boulevard from Palm Beach County to the City. District 1 (PK)

2. Staff recommends motion to adopt: a Resolution declaring the acquisition of a parcel of land designated as Parcel 1, to be utilized as a Water Management Area, necessary for the widening and construction of improvements to the Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard. **SUMMARY:** Adoption of this Resolution will authorize the filing of eminent domain proceedings against one (1) parcel whose total appraised value is \$100,000. District 6 (PM)

3. Staff recommends motion to:
 - A) reaffirm** Patio Court, Project No. 2004130 as part of the Municipal Services Taxing Unit (MSTU) Street Improvement Program and extend interim courtesy maintenance for the roadway;

 - B) approve** a Task for \$46,240.17, under the Annual MSTU Services Agreement approved by Resolution Number R2007-0462, with Civil Design, Inc. for surveying, design and permitting of approximately 1,330 linear feet of roadway and drainage improvements for Patio Court from Lakewood Road north to Lake Worth Drainage District (LWDD) L-11 Canal (Project); and

 - C) approve** a Budget Transfer of \$74,957 in the Unincorporated Improvement Fund from Reserves to Patio Court from Lakewood Road to LWDD L-11 Canal.

SUMMARY: Approval of the Task will authorize the surveying, designing, and permitting services to prepare construction plans for the Project. Approval of the Budget Transfer will provide funds for these services, and acceptance of Patio Court will allow courtesy maintenance at an initial cost of \$15,617.92 and an annual maintenance cost of \$1,737.13 until the Project construction commences. District 3 (MRE)

4. Staff recommends motion to approve: a Joint Participation and Project Funding Agreement (Agreement) with the City of West Palm Beach (City) in the amount of \$453,838.80 for utility adjustments on 45th Street from Jog Road to east of Haverhill Road and Jog Road from south of 45th Street to north of 45th Street. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the City to jointly participate in the utility adjustments to the water distribution, sewage transmission system and other improvements along the right-of-way. The City agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 7 (MRE)

5. Staff recommends motion to approve: a Joint Participation and Project Funding Agreement (Agreement) with the City of Riviera Beach Utility Special District (District) in the amount of \$34,960 for utility adjustments on 45th Street from Jog Road to east of Haverhill Road and Jog Road from south of 45th Street to north of 45th Street. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the District to jointly participate in the utility adjustments to the water distribution, sewage transmission system and other improvements along the right-of-way. The District agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to adopt: a Resolution to enter into an Agreement with CSX Transportation, Inc. Railway (CSXT) and Florida Department of Transportation (FDOT) for a Railroad Reimbursement Agreement for synchronization of grade crossing and highway signal devices (with signal heads mounted on railroad truss), for the operation of the highway signal devices on the railways signal truss at CSXT railroad crossing number 628126-V, mile post 970.34, on Okeechobee Boulevard, west of Parker/Tamarind Avenue. **SUMMARY:** Adoption of this Resolution will approve an agreement for installation of additional lanes, traffic control devices on CSXT's cantilever and synchronization devices for westbound Okeechobee Boulevard by Palm Beach County (County) Engineering at FDOT's expense. Once complete, the County will be required to maintain the new traffic control devices and the synchronization devices by agreement with FDOT. FDOT will continue to own the traffic signal on the eastbound and westbound approaches at Okeechobee Boulevard. District 7 (MRE)

7. Staff recommends motion to adopt: a Resolution approving Amendment Number One to the Joint Participation Agreement (Agreement) R2007-0252 with the State of Florida Department of Transportation, Florida's Turnpike Enterprise (Department) concerning the funding and repairs to the existing 45th Street Bridge over the Florida Turnpike for any collision damage that may occur during the construction of the replacement bridge. **SUMMARY:** Adoption of the resolution to approve Amendment Number One to the Agreement will allow the Department to undertake the repairs to the existing 45th Street Bridge for any collision damage by traffic on the Florida Turnpike for up to \$100,000 per incident. If the estimate for the repair exceeds \$100,000 per incident, the Department will not repair the bridge, but pay \$100,000 to Palm Beach County (County) if the County elects to do the repair. Districts 6 & 7 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file:
 - A)** the Letter of Acknowledgement dated January 29, 2010 by U.S. Bank attesting that Bond R-1A in the amount of \$35,075,000 for the Palm Beach County, Florida Public Improvement Revenue Bonds (Law Enforcement Information Technology Project) Series 2008 was assigned to U.S. Bank by CitiCapital Municipal Finance, the original purchaser of the Bond; and

 - B)** a copy of the replacement Bond R-1B.

SUMMARY: CitiCapital Municipal Finance, the original purchaser of the \$35,075,000 Bonds, assigned its interest in these Bonds to U.S. Bank. The original bond No. R-1 which was replaced by Bond No. R-1A on January 12, 2010 has been replaced by replacement Bond R-1B. The documents should now be received and filed in the Board's official records. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with the Union Missionary Baptist Church, Inc., for the period of January 13, 2010, through September 30, 2010, in an amount of \$91,930 for services to Head Start children and families. **SUMMARY:** Head Start has received monies through the American Recovery and Reinvestment Act Head Start Expansion Grant. As a result, the Division is contracting with the Union Missionary Baptist Church, Inc. to provide services to 35 three (3) and four (4) year-old children for 157 days at a rate of \$14 per child/per day for a total of \$76,930, with an additional \$15,000 for start-up expenses. Funding consists of \$73,544 in Federal and \$18,386 in required County match. (Head Start) Countywide (TKF)

2. **Staff recommends motion to approve:** Early Head Start Contracted Services Expansion Agreement with Family Central, for the period of December 1, 2009, through September 30, 2010, in an amount not-to-exceed \$275,473 for services to Early Head Start children and families. **SUMMARY:** Early Head Start has received monies through the American Recovery and Reinvestment Act Early Head Start Expansion Grant. Family Central, Inc. will recruit, contract and maintain 10 licensed Family Child Care Home Providers for the Early Head Start program for a total of 40 children (birth-36 months). Family Central, Inc. will be reimbursed at a rate of \$29.72 per child/per day for a maximum of 171 days. Reimbursement costs for postage, mileage, training, conferences and substitutes shall not exceed \$46,089. An additional \$26,099 of Federal funds will be used for start-up expenses. Funding consists of \$220,378 in Federal funds with cash match of \$55,095. (Head Start) Countywide (TKF)

3. **Staff recommends motion to ratify:** the Chair's signature on Early Head Start Expansion Grant Revised budget documents to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, for the period of December 1, 2009, through September 30, 2010, in the amount of \$1,214,364. **SUMMARY:** Head Start applied to and was awarded an American Recovery and Reinvestment Act Early Head Start Expansion Grant by the Department of Health and Human Services Administration for Children and Families (HHS/ACF). The Financial Assistance Award (FAA) letter with the funding level was received on December 1, 2009 (R-2010-0140). It contains special conditions requiring submission of revised budget documents to the Region IV Office of Head Start within 10 days of receipt of the FAA letter. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process. The total amount of the request, including startup expenses is \$1,214,364 (Federal) and \$303,591 (Non-Federal). No new County funds are required. (Head Start) Countywide (TKF)

4. **Staff recommends motion to approve:** Memorandum of Understanding with Children's Services Council of Palm Beach County and the Palm Beach County Health Department - Healthy Beginnings Nurses, for the period of February 1, 2010, through September 30, 2011, for health services to Early Head Start children and families. **SUMMARY:** Federal and State initiatives encourage the development of collaborative agreements. This Agreement will reduce duplication of services, facilitate improved service delivery for pregnant women, and more effective utilization of available resources. Services to be provided by the Healthy Beginnings Nurses has a monetary value of up to \$25,000 annually In-kind and will be applied towards Palm Beach County Head Start/Early Head Start non-Federal share for the American Recovery and Reinvestment Act (ARRA) Early Head Start Expansion Grant. No County funding match required. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of February 2, 2010, through September 30, 2010, in an amount of \$19,500, for health services to Early Head Start children. **SUMMARY:** Caregivers, Inc. will provide ongoing well baby and well child health services in accordance with the Head Start Act. This Contract will enable Caregivers, Inc. to provide specialized licensed practical nurse services in the Early Head Start program for children (birth-36 months) and pregnant women who are in need of services to ensure healthy outcomes. Funding consists of \$15,600 (80%) in Federal funds and \$3,900 (20%) in County funds. (Head Start) Countywide (TKF)

6. **Staff recommends motion to approve:** Amendment No. 2 to the Contract with Adoption by Shepherd Care (R2008-1285) for the period October 1, 2009, through September 30, 2010, in an amount of \$145,000, providing for "Choose Life" license plate funds. **SUMMARY:** Adoption by Shepherd Care meets the intent of Section 320.08058(30), Florida Statutes, which requires counties to distribute annual use fees from the sale of "Choose Life" license plates. Services provided are limited by the Statute and involve meeting the physical needs of pregnant women who are committed to placing their children up for adoption. The Contract funding recommended in this item reflects part of the total funds received from the "Choose Life" license plate funds for the 2008 - 2009 Fiscal Year. Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:**

A) an Agreement to purchase the following property at a total cost of \$180,000. Said property is located west of Runway 9L at Palm Beach International Airport (PBIA):

Rigoberto and Eumelia Hernandez	
170 Wayne Road	
West Palm Beach, FL 33415	Parcel W – 226
Sales Price	\$180,000.00
Replacement Housing	\$ N/A

B) a short term Residential Lease Agreement with Rigoberto and Eumelia Hernandez for a period not to exceed 90 days.

SUMMARY: The above property is being acquired in accordance with Palm Beach International Airport's approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. Countywide (HF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) appoint Ruden McClosky Smith Schuster & Russell, P.A. (Ruden McClosky) to provide Bond Counsel services for financings related to the County's Convention Center, proposed Convention Center Hotel and any other related legal services outside the usual scope of bond counsel services as may be requested by the County Attorney; and

B) approve Bond Counsel Agreement with Ruden McClosky to provide such services.

SUMMARY: In April, 2007, the Board authorized the issuance of public improvement revenue bonds and the initial \$11.5 Million in Bond Anticipation Notes (BANS) (R2007-0584) to finance the acquisition of the Convention Center Hotel site. The BANS are due on May 1, 2010, making it necessary to secure permanent financing for the land. Staff is recommending Ruden McClosky be appointed bond counsel for this financing as well as other potential financings related to the Convention Center and the proposed Convention Center Hotel. This recommendation is based on their experience as bond counsel on the initial BANS and previous Convention Center financings. The County Financing Committee voted unanimously to approve staff's recommendation. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Amendment No. 5 to annual pavilions Contract with S & F Construction, Inc. (R2005-1871) to increase the total dollar value limit for the fourth term by \$20,000 increasing the renewal capacity to \$420,000; and

B) Work Order No. 10-001 with S&F Construction, Inc., (R2005-1871) in the amount of \$181,568 to construct a 40' x 76' arch truss pavilion at Jupiter Farms Park.

SUMMARY: The capacity of the current contract term is \$400,000 of which only \$164,526 is remaining. Staff is currently in the process of rebidding the contract and anticipates an award being presented to the Board in April. However, Staff is recommending increasing the Contract from \$400,000 to \$420,000 to accommodate the cost of the Jupiter Farms project in the amount of \$181,568, this will allow the work to commence and be operational in time for peak season. The work consists of a new 40' x 76' arch truss, galvalume metal roof pavilion, including all utilities and site modifications. The new pavilion will provide park users with an activity center as well as covered shelter. The project is being funded by Parks Impact Fees. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to S&F Construction, Inc.'s total participation-to-date, the resulting values are 93.24%. The total construction duration is 150 days. (FD&O Admin) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0393) with Saltz Michelson Architects, Inc., for architectural services on a continuing contract basis. **SUMMARY:** Saltz Michelson Architects, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The original contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 2 will provide for services during the second renewal period. This Amendment also adds the requirements of the Inspector General Ordinance and the associated fee to the contract. Saltz Michelson Architects, Inc. has a Small Business Enterprise (SBE)/Minority Women Business Enterprise (M/WBE) participation goal of 23%. During the three (3) years of the Contract, Saltz Michelson Architects, Inc. has achieved 36.7% participation. (Capital Improvements Division) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0394) with MPA Architects, Inc., for architectural services on a continuing contract basis. **SUMMARY:** MPA Architects, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The original contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 2 will provide for services during the second renewal period. This Amendment also adds the requirements of the Inspector General Ordinance and the associated fee to the contract. MPA Architects, Inc. has a Small Business Enterprise (SBE)/Minority Women Business Enterprise (M/WBE) participation goal of 80%. During the three (3) years of the Contract, MPA Architects, Inc. has achieved 72.7% participation. (Capital Improvements Division) Countywide (JM)

4. Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0392) with Colome & Associates, Inc., for architectural services on a continuing contract basis. **SUMMARY:** Colome & Associates, Inc. was selected to provide architectural services for capital improvement projects generally with a construction value less than \$3,000,000. The original contract provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 2 will provide for services during the second renewal period. This Amendment also adds the requirements of the Inspector General Ordinance and the associated fee to the contract. Colome & Associates, Inc. has a Small Business Enterprise (SBE)/Minority Women Business Enterprise (M/WBE) participation goal of 70%. During the three (3) years of the contract, Colome & Associates, Inc. has achieved 74.6% participation. (Capital Improvements Division) Countywide (JM)

5. Staff recommends motion to approve: Change Order No. 98 to the Contract (R2002-1868) with The Weitz Company decreasing the Guaranteed Maximum Price (GMP) for the South County Courthouse by \$170,121. **SUMMARY:** The new South County Courthouse was completed and opened to the public in June, 2009. There is \$170,121 remaining in the contract that will be released from encumbrances and returned to the project budget, allowing for project closeout. Change Order No. 98 accomplishes that reduction. The final Small Business Enterprise participation is 23.4%. (Capital Improvement Division) District 7/Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** Change Order No. 1 to the Contract (R2007-1217) with Catalfumo Construction, Ltd., decreasing the Guaranteed Maximum Price (GMP) for the South Florida Regional Transportation Authority (SFRTA) parking lot at the West Palm Beach Intermodal Transit Facility (ITF) by \$149,999.79. **SUMMARY:** The new SFRTA Parking Lot was completed and opened to the public in September 2009. There is \$149,999.79 remaining in the contract contingency that will be released from encumbrance and returned to the project budget allowing for project closeout. Change Order No. 1 accomplishes that reduction. The Small Business Enterprise (SBE) participation goal is 15% and the final SBE participation is 11.3%. (Capital Improvements Division) Countywide (JM)

7. **Staff recommends motion to approve:** a First Amendment to an Interlocal Agreement (R2004-1730) with the Florida Highway Patrol (FHP) allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the FHP can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, expired on August 17, 1009. FHP has approved a renewal to extend the term of the Agreement through August 16, 2014. FHP has been in continuous compliance with the terms of Agreement but were slow in processing. As such, Staff is recommending approval retroactive to that date. The Agreement provides for three (3) – five (5) year renewal but renewals require approval by both parties. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. FHP is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The Agreement may terminated by either party, with or without cause. (ESS) Countywide (JM)

8. **Staff recommends motion to:**

A) approve a Sixth Amendment to Lease Agreement (R2007-1722) with South Florida Water Management District and Roth Farms, Inc., for Roth Farms to continue to farm 114.57 acres of land at 20-Mile Bend; and

B) adopt a Resolution finding that the Sixth Amendment to Lease Agreement with South Florida Water Management District and Roth Farms, Inc. is in the best interest of the County.

SUMMARY: The County and SFWMD own adjacent parcels of land at 20 Mile Bend that are leased by Roth Farms for sugar cane and row crops. The Sixth Amendment: (i) exercises a one (1) year renewal option extending the term to February 25, 2011, with a three percent (3%) rent increase, (ii) offers three (3) subsequent renewal options of one (1) year each with annual rent increases of three percent (3%), (iii) decreases the environmental impairment liability coverage limit Roth Farms is required to submit, and (iv) incorporates a September 28, 2009, Water Use General Permit for the 20-Mile Bend area. The revenues are shared on a pro rata basis between SFWMD and the County with the County receiving 66.08% of the annual rent, or \$15,797.96 for the term commencing February 26, 2010. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a County Deed in favor of La Boca Casa Condominium Association, Inc., a Florida not-for-profit corporation, (Association) conveying the County's interest in a one (1) week timeshare interest in La Boca Casa Condominium located at 365 North Ocean Boulevard in Boca Raton. **SUMMARY:** In May of 2009, Staff became aware that on January 22, 2002, a Quit-Claim Deed was recorded in the County's Public Records conveying to the County a one (1) week timeshare interest in La Boca Casa Condominium known as Unit 19, Week 6 (Unit). This apparently was done by the unit week owner without notice to the County. Currently, \$4,097.44 is due the Association for unpaid assessments, late fees and interest. The market resale value of the Unit is estimated to be \$2,100 after subtracting closing costs and broker commissions. Since the value of the Unit is less than the amount owed the Association, Staff recommends that the Board approve the conveyance of the Unit in exchange for the Association's release of any claims it may have for the \$4,097.44 and any other amounts due regarding the Unit. The Association will accept the property in "AS IS" condition. (PREM) District 4 (HJF)
10. Staff recommends motion to approve: a Utility Easement Agreement in favor of the Florida Power & Light Company (FPL) for underground electrical services to the County's new South Lake Worth Inlet Sand Transfer Plant. **SUMMARY:** The County is constructing a new sand transfer plant on the north jetty of the South Lake Worth Inlet (Boynton Inlet), located east of State Road A1A, between the Town of Ocean Ridge and the Town of Manalapan. The new plant will replace one that was built in 1967. The County acquired the 18-acre property in 1996 when the South Lake Worth Inlet District was abolished by the State of Florida. FPL requires an easement for the installation of a new underground electrical service line from the right-of-way of State Road A1A to a new transformer located at the entrance to this new facility. The easement area is approximately 39.34 feet long and varies in width from 6.73 feet to 11.65 feet and contains 300 square feet (0.01 acre). This non-exclusive easement is being granted at no charge as it will provide electrical service solely for the benefit of the County facility. (PREM) District 4 (HJF)
11. Staff recommends motion to:
- A) adopt** a Resolution authorizing an Agreement of Lease with the School Board of Palm Beach County, for the continued use of approximately 10,266 SF of land and a 3,000 SF+/- building located at 1200 45th Street, in West Palm Beach for \$1 a year; and
- B) approve** an Agreement of Lease with the School Board of Palm Beach County.
- SUMMARY:** The leased premises include a 3,000 SF+/- County-owned building and a total of 10,266 SF+/- of land currently supporting three (3) District owned portable classrooms. The School Board utilizes the building to provide educational services and truancy programs to at risk youths at the Sable Palm/High Ridge School. The term of the Lease is for one (1) year with automatic renewals for successive one (1) year periods. Either party can terminate the Agreement upon ninety (90) days written notice to the other. The annual rent is \$1 per year. The School Board is responsible for all utility fees, maintenance, repairs and will remove its property and restore the premises at expiration or termination of the Agreement. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to:

A) approve a Tri-Party Interlocal Agreement with the City of Boynton Beach (City) and the Palm Beach County School Board (School Board) that provides for the County's conveyance of its reversionary interest in a 3.65 acre parcel of land to the School Board in exchange for the School Board's conveyance of a reversionary interest in a 4.01 acre parcel of land;

B) approve a County Deed in favor of the School Board; and

C) accept a Special Warranty Deed from the School Board.

SUMMARY: In May of 1977, the Board approved the conveyance of 3.65 acres of land to the City (R77-458). The property is located north of Boynton Beach Boulevard and east of I-95 on Galaxy Way within the municipal boundaries of the City. The County Deed contained a reverter restricting use of the property to public purposes. The property is currently used as a City Park and provides recreation facilities for the Galaxy Elementary School located adjacent to and east of the City Park. The City and the School Board are in the process of planning the redevelopment of the City Park parcel and the Galaxy Elementary School. The plan is to construct the new school on the City Park, develop a replacement park north of the old school site, tear down the old school and replace the recreation facilities on the old school site. The City has requested the conveyance to the School Board of the County's reversionary interest in the City Park in order to facilitate the financing of the construction of the Galaxy Elementary School replacement facility. The Interlocal Agreement provides that the County convey its reversionary interest in the City Park to the School Board in exchange for the School Board's conveyance of a reversionary interest in the City Park replacement site. The County's obligations under the Interlocal Agreement are limited to: (i) delivery of the County Deed to be held in escrow and recorded upon notification by the School Board that it is prepared to commence construction of the Galaxy Elementary School replacement facility; and (ii) acceptance of the Special Warranty Deed from the School Board conveying a revisionary interest in the City Park replacement site to the County which will be held in escrow and recorded upon notification by the School Board that the replacement park is completed; however, if the replacement park is not completed by March 1, 2013, then the escrow agent shall automatically record the Special Warranty Deed from the School Board. The Interlocal Agreement becomes effective when executed by all parties and filed with the Clerk of the Circuit Court in Palm Beach County. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a "Request for Release of Funds (RROF) and Certification" (HUD-7015.15) to comply with environmental grant conditions for a project proposed to be funded under the HOME Investment Partnership (HOME) Program. **SUMMARY:** HOME-funded projects approved under the County's Fiscal Year 2009-2010 Action Plan (R2009-1209) must comply with 24 CFR Part 58, which establishes regulations concerning the Environmental Review procedures for the HOME Program. Under these regulations, the County is required to: a) aggregate geographically or functionally, all activities into projects; b) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; c) publish the finding to receive public input; and d) submit Form HUD-7015.15 to the U.S. Department of Housing and Urban Development (HUD). Steps A through C have been finalized for the HOME Community Housing Development Organization (CHDO) administered activities, which entails the rehabilitation of existing single family housing or the new construction of single family housing for first-time homebuyers; and direct homebuyer assistance to first time homebuyers by CHDOs. Approval of Form HUD-7015.15 and its submission to HUD will accomplish Step D. This form documents and certifies that all steps have been taken with respect to HUD's environmental procedures. Before expending any HOME funds for these activities, the County must receive a notification from HUD of the removal of environmental grant conditions. **These are HOME Program funds which require a local match that will be provided by program income from the Palm Beach County Housing Finance Authority Universal Housing Trust Fund. Countywide** (TKF)
2. **Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2009-0998) with NOAH Development Corporation to extend the expiration date from February 15, 2010, to March 15, 2010. **SUMMARY:** This Agreement provides NOAH Development Corporation, \$1,500,000 in 2005 Disaster Recovery Initiative Program funds for hurricane hardening improvements at their Covenant Villas and South Bay Villas properties. Bids have been obtained and a contract for the work has been awarded. The Amendment provides an extension of one month to the term of the existing Agreement to allow for additional construction time. **These are Federal Community Development Block Grant funds that require no local match. District 6** (TKF)
3. **Staff recommends motion to approve:** an Agreement with the City of Greenacres for street improvements on Fleming Avenue, in the amount of \$99,006, for the period of February 23, 2010, through January 31, 2011. **SUMMARY:** The Agreement will provide funding for street improvements along Fleming Avenue, north of 10th Avenue North in the City of Greenacres. The work includes grading, paving, curbs, sidewalks, sodding, incidental fencing and driveway restoration. **These are Federal Community Development Block Grant funds that require no local match. District 2** (TKF)
4. **Staff recommends motion to approve:** an Agreement with the Town of Lake Park for improvements at West Ilex Park, in the amount of \$73,054, for the period of February 23, 2010, through January 31, 2011. **SUMMARY:** This Agreement provides funding for playground equipment and recreational area improvements in West Ilex Park in the Town of Lake Park. The work includes the purchase and installation of playground equipment, trees and landscaping, benches, pavers, sidewalks, a bike rack and irrigation modifications. **These are Federal Community Development Block Grant funds that require no local match. District 7** (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

5. Staff recommends motion to approve: a Loan Agreement with Auburn Development, LLC in the amount of \$750,000 in State Housing Initiatives Partnership (SHIP) Multi-family Rental Development funding. **SUMMARY:** Palm Beach County Housing and Community Development through its Commission on Affordable Housing (CAH) provides State Housing Initiatives Partnership (SHIP) funding to local developers to facilitate the development of new affordable rental housing opportunities. These rental housing developments provide residence to lower income households. This 144 unit development will provide 128 units to households earning 60% or less of Area Median Income (AMI), and 16 units to households earning 28% or less of AMI. This Loan Agreement will provide \$750,000 towards the construction of the project. The project site is located in Delray Beach at 625 Auburn Trace Circle. The SHIP financing of \$750,000 is a twenty (20) year cash flow dependent loan at three percent (3%) annual interest. Total project cost is \$30,960,050. Other funding sources include \$21,246,565 in Florida Housing Finance Corporation (FHFC) tax credits, \$7,500,000 in federal HOME funds through FHFC's Tax Credit Assistance Program, and other related financing from PNC Financial Services. **These are State SHIP funds which require no local match.** District 7 (TKF)

6. Staff recommends motion to approve: Amendment No. 001 to the Agreement with Seagull Industries for the Disabled, Inc. (R2009-1908) to change the reimbursement rate from \$865.38 per week for each mentally disabled person assisted to \$9.61 per week for each mentally disabled person assisted. **SUMMARY:** The FY 2009-2010 Action Plan approved by the Board of County Commissioners (R2009-1209) on July 21, 2009, allocated \$45,000 of Community Development Block Grant (CDBG) funds to Seagull Industries for the Disabled, Inc. for the operation of its adult daycare training program to provide employment and training to at least 90 mentally disabled adults per day. The agreement erroneously states that Seagull Industries for the Disabled, Inc. would be reimbursed by the county at a rate of \$865.38 per week for each person assisted. This amendment seeks to correct this error by revising the reimbursement rate to \$9.61 per week for each person assisted. **These are federal Community Development Block Grant funds that do not require a local match.** Countywide (TKF)

7. **Staff recommends motion to approve:** a reimbursement to the City of Greenacres in the amount of \$20,959.29. **SUMMARY:** Approval of this agenda item will reimburse the City of Greenacres for expenses already incurred in connection with the demolition of a building and construction of a parking lot in Ira Van Bullock Park in the City of Greenacres, which has been completed. The City of Greenacres entered into a funding Agreement (R2007-0154) with Palm Beach County for this project on February 6, 2007. The Agreement expired on July 31, 2008. The \$20,959.29, payment could not be reimbursed in accord with the Agreement until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. A considerable amount of time was spent on locating workers that performed work on the project for whom pay restitution was required. The associated documentation has been obtained. Accordingly, Davis-Bacon Act compliance has been achieved thereby enabling this reimbursement. **These are Federal Community Development Block Grant funds that require no local match.** District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

8. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting elimination of the cap on the state and local Housing Trust Funds (housing trust funds) and supporting full appropriation of the housing trust funds; providing for severability; and providing for an effective date. **SUMMARY:** The William E. Sadowski Affordable Housing Act of 1992 created a dedicated revenue source for state and local housing trust funds expressly and specifically to fund state and local housing programs that assist local governments in meeting the housing needs of its population. The Florida Legislature enacted a cap on the Housing Trust Funds of approximately \$243 million per year, beginning in Fiscal Year 2007-2008. The removal of this cap coupled with the downturn in the real estate market may create opportunities for acquiring, constructing, rehabilitating and preserving housing to meet the needs. The Commission on Affordable Housing Advisory Board by majority vote recommended approval on January 28, 2010 of the Resolution by the Board of County Commissioners. Countywide (TKF)

9. Staff recommends motion to approve: a reimbursement to the City of Lake Worth in the amount of \$20,055. **SUMMARY:** Approval of this agenda item will reimburse the City of Lake Worth for expenses already incurred in connection for improvements to Howard Park in the City of Lake Worth, which has been completed. The City of Lake Worth entered into a funding Agreement (R2004-1443) with Palm Beach County for this project on June 22, 2004. The Agreement expired on June 30, 2007. The \$20,055, payment could not be reimbursed in accord with the Agreement until the contractor completed his compliance with the federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Many Davis-Bacon Act requirements were addressed after the completion of the project, however, a substantial amount of time was spent on addressing matters relating to workers that performed work on the project for whom no payroll records could be found by the firms involved in the project. These matters have now been addressed with guidance from HUD thereby enabling this reimbursement. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Release of utility easement on land owned by Palm Beach County Department of Airports. **SUMMARY:** This document will release the County's interest in the utility easement granted jointly to Palm Beach County Water Utilities Department and Florida Power and Light Company by Official Record Book 5038, Pages 993 to 998 on land owned by Palm Beach County Department of Airports. The Water Utilities Department has determined that this easement is no longer needed, and therefore recommends the release. District 2 (MJ)

2. Staff recommends motion to approve: Supplement No. 2 to Work Authorization No. 2 with Southeast Drilling Services, Inc. to perform additional work related to the repair of the monitor well at Southern Region Pumping Facility (SRPF) in the amount of \$81,236. **SUMMARY:** Work Authorization No. 2 (R2008-0980) was approved on June 3, 2008 to perform mechanical integrity testing of the deep injection well and to perform a repair of the monitor well in the amount of \$297,000. The monitor well repair required exploratory work before a detailed repair plan could be submitted to the Florida Department of Environmental Protection (FDEP) for approval. The FDEP permit was requested on September 17, 2008 and the final FDEP permit was issued on October 16, 2009. Supplement No. 2 increases the diameter of the 1,699 foot long fiberglass monitor well tubing, replaces the surface piping from carbon steel to stainless steel, and provides for a time extension to obtain the FDEP permit. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This contract with Southeast Drilling Services, Inc. provides for SBE participation of 57.16% overall. Supplement No. 2 provides for SBE participation of 94.37% overall. WUD Project No. 08-062. District 5 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Agreement with Caridad Center, Inc. for the period February 23, 2010, through December 30, 2010, in an amount not-to-exceed \$25,000 for funding of after school programs. **SUMMARY:** This funding is to assist with expenses for Caridad Center's after school programs. Caridad Center's after school programs include activities, recreational programs, educational and tutoring programs, and other miscellaneous activities for approximately 50 at-risk youth. The Agreement allows for reimbursement of eligible project costs incurred subsequent to September 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

2. **Staff recommends motion to receive and file:** fully executed original Agreement for Recreation Assistance Program (RAP) funding as follows: Agreement with Martin Luther King, Jr. Coordinating Committee of West Palm Beach, Inc. for the period January 5, 2010, through January 31, 2011, in an amount not-to-exceed \$5,000 for leadership skills workshops. **SUMMARY:** Delegation of authority for execution of this standard Recreation Assistance Program (RAP) Agreement was approved by the Board on August 18, 2009 (6A-5). Funding is from RAP District 7 Funds. District 7 (AH)

3. **Staff recommends motion to:**
 - A) receive and file** a fully executed State of Florida Department of Environmental Protection Recreational Trails Program Fiscal Year 2009-2010 Project Agreement for Riverbend Park;

 - B) approve** Budget Amendment of \$240,000 within the Park Improvement Fund to establish budget for the approved grant; and

 - C) execute** a Notice of Limitation of Use/Site Dedication identifying the project site for outdoor recreation for the use and benefit of the public for 99 years.

SUMMARY: On May 5, 2009, the Board authorized submission of a State of Florida Department of Environmental Protection Recreational Trails Program Fiscal Year 2009-2010 grant application for improvements at Riverbend Park (R2009-0788). The Board also authorized the County Administrator or his designee to execute the Project Agreement (Recreational Trails Program Project No. T29028) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Project Agreement has been fully executed, and it is being submitted to the Board to receive and file. The total project cost will be \$300,000. The approved grant is for \$240,000 (80% of the total project cost) and will be matched with \$60,000 from Park Impact Fees - Zone 1. The Project Agreement requires the County to execute and record a Notice of Limitation of Use dedicating the land for 99 years as an outdoor recreation site. The Project Agreement allows for reimbursement of up to \$45,000 for planning, permitting, or design performed on or after July 22, 2009. According to the Project Agreement, the project period commenced on January 6, 2010, and will end on January 6, 2012. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to receive and file: original executed Fifth Amendment to Request for Funding Form for School Board Recreation Assistance Program project for Golden Grove Elementary School for the purchase and installation of fitness trail equipment (R2007-0991), as amended (R2008-0545, R2008-1224, R2008-2234, R2009-1194), to extend the project completion date from December 31, 2009, to December 31, 2010. **SUMMARY:** This fully executed Fifth Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747), as amended. At the request of Commission District 6, the amended project completion date of December 31, 2009, is being extended to December 31, 2010, to allow project completion time and submission of reimbursement documentation for this previously stalled project. No further amendments for time extensions will be granted if the project is not completed within this amended timeframe. All other project terms, including the funding amount of \$5,000, remain the same. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

5. Staff recommends motion to receive and file: First Amendment to Agreement (R2009-1108) with the City of Boynton Beach for the 2009 Boynton Beach Heritage Celebration event to expand the project timeframe from February 6, 2009, through June 30, 2009, to November 5, 2008, through June 30, 2009. **SUMMARY:** This fully executed First Amendment to Agreement expands the project initiation date from February 6, 2009, to include project expenses incurred subsequent to November 5, 2008. Although the project was completed by the required date of March 30, 2009, and the reimbursement was submitted by the required date of June 30, 2009, the amendment is needed in order to finalize the reimbursement process by accommodating dates of payments made for the project before the original project initiation date. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount of \$7,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

6. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of January: Gordon Andrews, USA Competitive Head Swim Coach, Lake Lytal Family Aquatic Center. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. **Staff recommends motion to approve:** Special Use Agreement with the Village of Royal Palm Beach for the period February 23, 2010, through December 31, 2022, for annual use of recreational facilities at Seminole Palms Park. **SUMMARY:** The Special Use Agreement allows the Village of Royal Palm Beach (Village) annual exclusive use of multipurpose field No. 11 and multipurpose field No. 12 at Seminole Palms Park between the months of July and December for a period of twelve (12) years, and grants the Village permission to install a scoreboard, construct a concession/storage building, install bleachers and install a sound system at the Village's own expense upon approval by the County Parks and Recreation Director. Under the terms of the Agreement, the County will be responsible for year round field maintenance and operational support. The Village is obligated to pay the County \$60,000 annually over the next five (5) years for a total of \$300,000. The costs associated with the year round field maintenance are currently included in the FY 2010 Parks Maintenance Division's operation budget, and will be offset by the revenue created by this Special Use Agreement. District 6 (AH)

8. **Staff recommends motion to approve:** First Amendment to Palm Beach County Florida Boating Improvement Program Project Agreement with the Town of Jupiter (R2008-0422) for funding of the Sawfish Bay Park project to reduce project scope, reduce funding amount from \$250,000 to \$122,724.78, and to extend the project completion date from December 31, 2008, to March 30, 2010. **SUMMARY:** This fully executed First Amendment reduces the amount of Palm Beach County Florida Boating Improvement Program (FBIP) funding for the Sawfish Bay Project from \$250,000 to \$122,724.78, reduces the project scope, and extends the project completion date from December 31, 2008, to March 30, 2010. Funding for this project was approved from the Park Improvement Fund during the FY2007 budget process. After the final reimbursement payment is issued, the residual balance in this project will be returned to the Park Improvement Fund FBIP reserve. District 1 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** an Interlocal Agreement for \$17,000 with the University of South Florida (USF) to provide technical assistance to the Palm Beach County Justice, Mental Health Collaboration Program (JMHCP) for the period of October 1, 2009, to March 31, 2012. **SUMMARY:** Palm Beach County has received a direct award of \$249,942 in partnership with the Oakwood Center of the Palm Beaches Inc., under the JMHCP of the United States Department of Justice, Office of Justice Programs' Bureau of Justice Assistance. This award was received and filed by the Board of County Commissioners on October 20, 2009, (R2009-1808). USF will receive \$17,000 of the grant funds to provide technical assistance on the project, specifically, to provide analysis of clinical and law enforcement records of recidivist-pretrial and sentenced-jail populations to determine services barriers and the appropriate target population. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve:

A) a Contract with the Comprehensive Alcoholism Rehabilitation Program, Inc. (CARP), a not-for-profit agency, for \$45,000 for the period of October 1, 2009, through September 30, 2010, for the provision of job development services to halfway house clients; and

B) a Budget Transfer of \$45,000 from the Criminal Justice Fund reserves to establish budget for this project.

SUMMARY: The Criminal Justice Commission is requesting the use of \$45,000 from the Criminal Justice Fund to be used to pay for a full-time Job Development Specialist. The Job Development Specialist will conduct assessments to determine each client's marketable skills, and will teach train and coach clients in the areas of resume development, interviewing, job search, job placement, money management, etc. toward the goal of establishing a safe residence and successful job performance to help ensure continued employment after successfully completing treatment. Countywide (DW)

3. Staff recommends motion to:

A) receive and file an Edward Byrne Memorial Justice Assistance Grant for \$40,000 from the Florida Department of Law Enforcement;

B) approve a Budget Amendment for \$40,000 in the General Fund to establish grant budget;

C) approve the Eighth Amendment to the agreement (R2001-2131; dated December 4, 2001) with the Public Defender's Office for the Ex-Offender Re-Entry Program to extend the agreement through September 30, 2010 and provide FY 2010 funding of \$193,500;

D) approve a Budget Transfer for \$92,140 in the American Recovery Reinvestment Act-Justice Assistance Grant (ARRA-JAG) Fund to increase budget for Re-Entry; and

E) approve a Budget Amendment for \$92,140 in the Criminal Justice Trust Fund to recognize the transfer from the ARRA-JAG Fund.

SUMMARY: Through a combination of funding sources, the Criminal Justice Commission has funded the Public Defender's Re-Entry program since 2001. This 8th Amendment to the agreement will fund two (2) positions in the Public Defender's Office - a County-wide Re-Entry Coordinator and Paralegal – in addition to program operating costs. The Re-Entry Program provides case management services to citizens returning to the community from the county jail system. Countywide (DW)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. **Staff recommends motion to approve:** an Agreement with The Raymond F. Kravis Center for the Performing Arts, Inc., a Florida non-profit corporation (the “Kravis Center”) to connect to the Palm Beach County Wide Area Network at an annual cost of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** The Information Systems Services (ISS) Department has negotiated the proposed Agreement with the Kravis Center. This interconnection will enable the Kravis Center to connect to the County’s Network and thereby also gain access to the Florida LambdaRail network. This will provide greater bandwidth for Internet access and disaster recovery programs while reducing the Kravis Center’s overall network costs. The Kravis Center agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. District 2 (PFK)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the Health Care District of Palm Beach County (HCDPBC), an independent taxing district, to connect to the Palm Beach County Regional Network at an annual cost of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows the HCDPBC to access Palm Beach County (the “County”) network services on a cost sharing basis similar to the existing Interlocal Agreements between the County and various municipalities, as well as the South Florida Water Management District, Children’s Services Council, and the Kravis Center for the Performing Arts. Interconnection to the County’s Network will provide greater bandwidth for Internet access and disaster recovery programs while reducing the HCDPBC’s overall network costs. The HCDPBC agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County Network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. District 2 (PFK)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the Children’s Services Council of Palm Beach County (CSCPBC), an independent taxing district, to connect to the Palm Beach County Regional Network at an annual cost of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows the CSCPBC to access Palm Beach County (the “County”) network services on a cost sharing basis similar to the existing Interlocal Agreements between the County and various municipalities, as well as the South Florida Water Management District, Health Care District, and the Kravis Center for the Performing Arts. Interconnection to the County’s Network will provide greater bandwidth for Internet access and disaster recovery programs while reducing the CSCPBC’s overall network costs. The CSCPBC agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County Network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. District 2 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES (Cont'd)

4. Staff recommends motion to:

A) approve Change Order No. 1 amending the Software License and Professional Services Agreement with the Government of the U.S. Virgin Islands (R2008-1545) to provide email account hosting services for the period of February 2, 2010, through September 30, 2010 which will generate revenues to the County in the amount of \$3,580; and

B) authorize the County Administrator or his designee, ISS Director, to approve and execute future Change Orders up to a maximum total revenue on this contract not to exceed \$100,000.

SUMMARY: Information Systems Services (ISS) is currently working to develop a Business License Web Application for the Government of the U.S. Virgin Islands. The U.S. Virgin Islands is requesting through Change Order No. 1 an increase in the scope of the project to include email account hosting services from ISS effective February 2, 2010 through September 30, 2010 for a fee not to exceed \$3,580. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an executed Interlocal Agreement with the City of Lake Worth to provide grant project funding of \$100,000 from October 7, 2009, through April 30, 2010 for the purchase and installation of a complete security camera system at the Lake Worth Water Treatment Plant as approved by the Fort Lauderdale Urban Area Security Initiative (UASI) Grant 2007 contract between the City of Miramar. **SUMMARY:** The County was awarded \$412,745 from the US Department of Homeland Security 2007 Grant through the Fort Lauderdale UASI. One (1) project totaling \$100,000 was awarded to the City of Lake Worth. This Interlocal Agreement provides the mechanism to establish the grant award to the City of Lake Worth. Resolution R2006-2669 approved by the Board of County Commissioners on December 5, 2006 authorized the County Administrator or his designee to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

2. Staff recommends motion to:

A) receive and file the executed Grant Contract with the State of Florida, Department of Community Affairs to receive emergency management grant funds in the amount of \$102,724 from October 1, 2009, through September 30, 2010; and

B) approve a Budget Amendment of \$2,276 in the Emergency Preparedness and Assistance Fund to reconcile the budget to the actual grant award.

SUMMARY: This is an annual grant that the Division of Emergency Management receives to enhance emergency management plans and programs of the County consistent with the State Comprehensive Emergency Management Plan and Programs. R2006-0401 gave authority to the County Administrator or his designee, to execute these agreements on behalf of the Board. No cash match is required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt Resolution approving a Florida Department of Transportation (FDOT) 5-Year Joint Participation Agreement (JPA) (FM No. 407188-1-84-02) in the amount of \$8,605,508 for FY 2010 (\$4,302,754 State - \$4,302,754 Local Match). This JPA provides operating funding for mass transit in the urbanized areas of Palm Beach County; and

B) approve Upward Budget amendment of \$502,754 in the Palm Tran Grants Fund in order to reconcile the FY 2010 budget to the actual grant award from the Florida Department of Transportation Block Program; and

C) approve Upward Budget amendment of \$502,754 in the Palm Tran Operating Fund in order to reconcile the FY 2010 budget to the actual grant award.

SUMMARY: FDOT is providing a grant in the amount of \$4,302,754 from the Public Transit Block Grant Program to help offset the operating costs of mass transit in urbanized areas of the County. The operating costs include operating, maintenance, and administrative costs. The JPA will become effective upon execution, with expiration date of December 31, 2014, unless an extension is requested and granted. The JPA requires a 50% match of \$4,302,754 with local funds. The local match for this JPA is already included in Palm Tran's FY 2010 budget. Countywide (DR)

BB. SHERIFF

1. Staff recommends motion to:

A) receive and file Grant Adjustment Notice amending the United States Department of Justice Office of Justice Programs Grant to extend the ending grant period from September 30, 2009, through January 31, 2010; and

B) approve a Budget Amendment of \$1,816 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners accepted this grant for \$19,074 on January 13, 2009; the original period for this grant was October 1, 2008, through September 30, 2009 (R2009-0138). This agenda item will extend the grant period from September 30, 2009, through January 31, 2010. The City of West Palm Beach, received an award from the United States Department of Justice Office of Justice Programs for the Gramercy Village Weed and Seed. On November 19, 2008, the Palm Beach County Sheriff's Office (PBSO) and the City of West Palm Beach entered into an agreement to continue the Gramercy Village Community Area Multi-Agency Law Enforcement Unit (MALEU). The objective of the MALEU is to prevent, control, and reduce violent crime, drug abuse, and gang activity in the Gramercy Village Community Area. Under this agreement, the PBSO will receive reimbursable funds for overtime costs associated with the program. The PBSO has been given an extension to allow the grant funds to be fully expended. The award was not fully expended in FY 2009. The balance of the award being carried forward into FY 2010 is \$1,816. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. District 7 (DW)

* * * * *

FEBRUARY 23, 2010

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A. Presentation of \$50M Neighborhood Stabilization Program 2 grant award from U.S. Department of Housing & Urban Development

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve: the draft FY 2011 Federal Legislative Program. **SUMMARY:** Staff requests the Board's approval of the draft FY 2011 Federal Legislative Program, which includes priority appropriations and legislative issues, and general appropriation and general issues to monitor. The Federal Legislative Program outlines issues the County's Legislative Affairs Department in conjunction with the County's federal lobbyist, will be working on for the Board in the upcoming session. Countywide (DW)

2. Staff recommends motion to approve: the policy promulgated by the County Administrator for implementation of the Inspector General Fee. **SUMMARY:** County Administration has created a Policy and Procedure Memorandum (PPM), No. CW-F-081, Inspector General Fee Exemptions and Applicability, for implementation of the Inspector General Fee. This policy clarifies exemptions outlined in the Inspector General Ordinance (Ord. No. 2009-049), and lists exemptions by interpretation or practice to be used by all County departments, as well as the Clerk's Finance Department when determining applicability of the Inspector General Fee to various types of procurements. The implementation schedule was created through the collaboration of Administration, Purchasing, FD&O, OFMB, other County Departments, and the Clerk's Office. We have also coordinated implementation of the Inspector General Fee with CGI, the County's vendor for the Advantage Financial System, who will need to modify the System to accommodate implementation of the Inspector General Fee. The target dates reflect consideration and allowance for limitations of the current version of the Advantage Financial System. The timeline allows for the majority of procurements to be effective March 2, 2010 (Phase 1) with the remaining procurement types becoming effective April 20, 2010 (Phase 2). Countywide (LB)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners creating the Palm Beach County Property Review Committee. **SUMMARY:** On December 15, 2009, the Board of County Commissioners adopted Ordinance No. 2009-052 which ordinance, among other things, requires the Board to create by resolution a committee to be named the "Property Review Committee" to review, evaluate and advise the Board regarding real estate transactions involving the purchase (including eminent domain), sale or exchange of fee simple title to real property if certain triggers or thresholds are met. This Resolution satisfies such requirement and creates the Palm Beach County Property Review Committee. Countywide (HJF)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to approve:

- A) a Memorandum of Developer Agreement with the Seacoast Utility Authority and;
- B) the Scripps Florida Phase II/Briger Developer Agreement with the Seacoast Utility Authority.

SUMMARY: On May 2, 2006, the Board of County Commissioners (BCC) approved the Grant Agreement with The Scripps Research Institute (Scripps). On February 28, 2006, the BCC approved an agreement (R2006-0423) for the donation and purchase and sale with Lester Family Investments, L.P. (Lester) for 70 acres of property within the Briger Property to be utilized by Scripps Florida. The Grant Agreement requires the County to enter into a Developer Agreement (Agreement) with Seacoast Utilities to reserve water and sewer capacity reservations for 1.6 million square feet of bioscience use on the 70 acres. The Agreement requires the payment of 50% the total connection charges, (\$1,570,908.60) or \$785,454.30 at the time the Agreement is executed and the payment of the Annual Capacity Reservation Fees in the amount of \$262,795.55 at the time the Agreement is executed for a total of \$1,048,249.85. The Grant Agreement requires Scripps to enter into the form of the Ground Lease with the County on the 70 acres within six (6) months of the County receiving the entitlements for the Property. Under the Grant Agreement, the County is only responsible for the payment of fees to Seacoast which are customarily due at the time of entering into this Agreement, with Scripps being responsible for all on-going obligations for maintaining water and sewer capacity. District 1 (MJ)

TIME CERTAIN 11:30 A.M.

- 5. Executive Session scheduled for 11:30 a.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union Local 1577.
(CLOSED SESSION)

5. REGULAR AGENDA

B. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

A) an Interlocal Agreement with the Town of Jupiter providing for the annexation of five (5) enclaves generally located north of Indiantown Road, east of North Central Boulevard, south of the Loxahatchee River, west of Center Street; providing consent for the annexation of right-of-way segments of Evangelina Road, Pine Street, Thelma Avenue, and Yancy Avenue; and providing for the transfer of operation and maintenance of right-of-way segments of Cinquez Park Road West, Cinquez Park Road East, Palmetto Street, Palm Road, Carver Avenue, Tuscaloosa Street, and Cornelia Avenue and the drainage parcels identified in Exhibit "B" upon completion of the MSTU project;

B) execution of the Quit Claim Deeds by the Board of County Commissioners' Chair upon completion of the MSTU project; and

C) authorization for the County Engineer or the County Engineer's designee to execute the final Bills of Sale upon completion of the MSTU project.

SUMMARY: Chapter 171, F.S., allows annexation of enclaves of less than ten (10) acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution, the Town of Jupiter has petitioned the County to enter into an Interlocal Agreement (see Exhibit 1 of the Agenda Item) for the annexation of five (5) enclaves identified within the Agreement as Exhibits "A" (legal description) and "C" (map). Additionally, the right-of-way segments and the county-owned drainage parcels as identified in Exhibit "B" shall be annexed upon completion of the Municipal Service Taxing Unit (MSTU) project. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 1 (RB)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting a responding resolution, authorizing Palm Beach County to commence the negotiation process for an interlocal service boundary agreement between Palm Beach County and the City of Boynton Beach, pursuant to Chapter 171, Part ii, Florida Statutes; and providing an effective date. **SUMMARY:** On December 15, 2009, the City of Boynton Beach adopted an Initiating Resolution No. R09-188 pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA) for an area designated outside of the boundaries of the City. The ISBA is a process established in the Florida Statutes that is intended to encourage local government coordination in planning, service delivery, and boundary adjustments due to annexation. The area subject to the negotiations is depicted in Exhibit A of the resolution. This resolution also identifies issues that may be negotiated during the process, including identifying service providers and possible planned improvements. County staff has identified additional issues to be negotiated including the boundaries themselves and the primary goals of the ISBA to address the annexation of enclaves and pockets, including the San Castle neighborhood. This responding resolution does not annex any property at this time, but is the vehicle through which the negotiation process can begin. Planning Staff will work closely with key County agencies and City staff during the months following the adoption of the responding resolution to work to develop an Interlocal Agreement, which may be subsequently presented to the Board at a later date. Districts 3, 4 & 7 (RB)

5. REGULAR AGENDA

C. WATER UTILITIES

1. [Staff recommends motion to approve on preliminary reading and to advertise for Public Hearing on March 23, 2010 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance No. 07-003, as amended by Ordinance No. 09-004 and Ordinance No. 09-041, providing for a schedule of rates for interruptible reclaimed water service; providing for a priority capacity reservation system; providing for repeal of laws in conflict; providing for severability; providing for captions; and providing for an effective date. **SUMMARY:** This Ordinance Amendment establishes rates for reclaimed water produced at the East Central Regional Wastewater Treatment Facilities (ECR) that can be provided to potential customers on an interruptible basis. In accordance with the Reclaimed Water Agreements with Florida Power and Light (FPL) (R2008-0906) and the ECR Board (R2008-0907), the County has approximately 27 million gallons per day (MGD) of reclaimed water available and is contractually obligated to provide FPL's West County Energy Center (WCEC) with an average daily flow (ADF) of 22 MGD, varying from 4 MGD minimum daily flow to 27 MGD peak daily flow. Since the WCEC's requirements vary throughout the year, a significant amount of reclaimed water can be made available to potential customers on an interruptible basis during those times when the WCEC's needs have been met. The recommended rates include a reservation fee of \$0.13 per thousand gallons per day ADF (\$47.45 per 1,000 gallons of reserved capacity) payable upon execution of an agreement and annually thereafter and a reclaimed water interruptible commodity fee of \$0.51 per thousand gallons payable monthly based on usage. The commodity fee will be indexed annually based on three-fourths of the change in the CPI, Water and Sewer Maintenance in accordance with the existing Ordinance. The reservation fee will not be indexed since it represents the recovery of fixed interest costs on the reclaimed water bonds. In accordance with the Reclaimed Water Agreement with FPL, FPL will receive a portion of the revenue from interruptible customers since FPL is paying the full cost of constructing and operating the facilities and pipelines and is responsible for the debt service on the project. The County's share of the revenue from prospective interruptible customers is approximately \$0.01 of the capacity reservation fee and \$0.19 of the commodity fee per thousand gallons in accordance with the agreement. Interruptible reclaimed water service will be provided on a priority reserved capacity basis. The County will enter into agreements with potential customers and make deliveries of water on a prioritized basis - fully satisfying the requested water delivery needs of the customer with the earliest agreement date before making delivery to the customer with the second earliest agreement date, and so forth. Each customer is limited to the maximum amount of reclaimed water. Reservation fee payments must be current in order for the County to make deliveries to customers. Countywide (MJ)

* * * * *

6. BOARD APPOINTMENTS

A. **HOUSING & COMMUNITY DEVELOPMENT**
(Commission on Affordable Housing)

1. **Staff recommends motion to adopt:** a Resolution appointing six (6) member to the Commission on Affordable Housing:

<u>Nominee</u>	<u>Area of Representation</u>	<u>Term</u>	<u>Seat No.</u>	<u>Nominated By:</u>
Bill Sanders	Residential Builder/ Affordable Housing	5/17/2009 5/16/2012	Seat 1	Commissioners Marcus, Koons Taylor
John Howard	Active Banker	2/23/2010 2/22/2013	Seat 2	Commissioners Marcus, Koons Taylor
John Weir	Affordable Housing For-Profit Developer	2/23/2010 2/21/2011	Seat 5	Commissioners Marcus, Koons, Abrams, Taylor
Dionna Brahs	Real Estate Professional	2/23/2010 2/22/2013	Seat 6	Commissioners Marcus, Koons, Abrams, Taylor
Maite Reyes-Coles	Representative of Service Origination for Special Needs Housing	2/23/2010 2/22/2013	Seat 8	Commissioners Marcus, Koons, Abrams, Taylor
OR				
Shelley Gottsagen	Representative of Service Origination for Special Needs Housing	5/17/2009 5/16/2012	Seat 8	Commissioner Vana
Hazel Lucas	Fair Housing Representative	2/23/2010 2/22/2013	Seat 13	Commissioners Marcus, Koons, Taylor

SUMMARY: The Commission on Affordable Housing consists of thirteen (13) members nominated by the Board of County Commissioners. All must be residents of Palm Beach County. The Commission on Affordable Housing members serves three (3) year terms. The primary objective of the Commission on Affordable Housing is to make program and funding recommendations to the Board of County Commissioners for its Local Housing Assistance Plan. Countywide (TKF)

B. **COMMISSION DISTRICT APPOINTMENTS**

FEBRUARY 23, 2010

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR

B. District 2 - COMMISSIONER JEFF KOONS

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON, CHAIR

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBURARY 23, 2010

<u>PAGE</u>	<u>ITEM</u>	
7	3A-4	<p><u>REVISED MOTION/TITLE:</u> Staff recommends motion to:</p> <p>A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the establishment of a Palm Beach County Energy Efficiency Conservation Revolving Loan Program for business improvements funded by the U.S. Department of Energy; directing the Economic Development Office to administer the loan program; and delegating the County Administrator or his designee to approve, sign and close on behalf of the Board of County Commissioners all loan documents and agreements with approved borrowers that meet the criteria of the loan program; and</p> <p>B) approve the criteria for the Palm Beach County Energy Efficiency and Conservation Revolving Loan Program for business improvements; <u>and</u></p> <p>C) approve <u>all Department of Energy mandated changes to the criteria on behalf of the Board of County Commissioners to be automatically included in the criteria unless it requires County funds at which time the item will be brought to the Board of County Commissioners.</u> (Admin./EDO)</p>
12	3G-1	<p><u>MOVED TO REGULAR AGENDA (5D-1):</u> Staff recommends motion to:</p> <p>A) appoint Ruden McClosky Smith Schuster & Russell, P.A. (Ruden McClosky) to provide Bond Counsel services for financings related to the County's Convention Center, proposed Convention Center Hotel and any other related legal services outside the usual scope of bond counsel services as may be requested by the County Attorney; and</p> <p>B) approve Bond Counsel Agreement with Ruden McClosky to provide such services.</p> <p>SUMMARY: In April, 2007, the Board authorized the issuance of public improvement revenue bonds and the initial \$11.5 Million in Bond Anticipation Notes (BANS) (R2007-0584) to finance the acquisition of the Convention Center Hotel site. The BANS are due on May 1, 2010, making it necessary to secure permanent financing for the land. Staff is recommending Ruden McClosky be appointed bond counsel for this financing as well as other potential financings related to the Convention Center and the proposed Convention Center Hotel. This recommendation is based on their experience as bond counsel on the initial BANS and previous Convention Center financings. The County Financing Committee voted unanimously to approve staff's recommendation. <u>Countywide</u> (PFK) (OFMB)</p>
13	3H-2	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0393) with Saltz Michelson Architects, Inc., for architectural services on a continuing contract basis. (FDO)</p>
13	3H-3	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0394) with MPA Architects, Inc., for architectural services on a continuing contract basis. (FDO)</p>
13	3H-4	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 2 to the annual Contract (R2007-0392) with Colome & Associates, Inc., for architectural services on a continuing contract basis. (FDO)</p>

18 3I-5 **REVISED TITLE: Staff recommends motion to approve:** a Loan Agreement with ~~Auburn Development, LLC~~ Village at Delray, Ltd. in the amount of \$750,000 in State Housing Initiatives Partnership (SHIP) Multi-family Rental Development funding. (HCD)

32 6A-1 **REVISED TITLE: Staff recommends motion to adopt:** a Resolution appointing ~~six (6)~~ five (5) members to the Commission on Affordable Housing:

<u>Nominee</u>	<u>Area of Representation</u>	<u>Term</u>	<u>Seat No.</u>	<u>Nominated By:</u>
Bill Sanders	Residential Builder/ Affordable Housing	5/17/2009 5/16/2012	Seat 1	Commissioners Marcus, Koons Taylor
John Howard	Active Banker	2/23/2010 2/22/2013	Seat 2	Commissioners Marcus, Koons Taylor
John Weir	Affordable Housing For-Profit Developer	2/23/2010 2/21/2011	Seat 5	Commissioners Marcus, Koons, Abrams, Taylor
Dionna Brahs	Real Estate Professional	2/23/2010 2/22/2013	Seat 6	Commissioners Marcus, Koons, Abrams, Taylor
Maite Reyes-Coles	Representative of Service Origination for Special Needs Housing	2/23/2010 2/22/2013	Seat 8	Commissioners Marcus, Koons, Abrams, Taylor
OR				
Shelley Gottsagen	Representative of Service Origination for Special Needs Housing	5/17/2009 5/16/2012	Seat 8	Commissioner Vana
Hazel Lucas	Fair Housing Representative	2/23/2010 2/22/2013	Seat 13	Commissioners Marcus, Koons, Taylor

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).